

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	
	:	Case No.: 23-10004
Joseph Gormisky	:	Chapter 13
	:	Judge Magdeline D. Coleman
Debtor(s)	:	*****
	:	
PennyMac Loan Services, LLC	:	Date and Time of Hearing
Movant,	:	Place of Hearing
vs	:	June 13, 2023 at 10:30 a.m.
	:	
Joseph Gormisky	:	
Kenneth E. West	:	
Respondents.	:	

**MOTION OF PENNYMAC LOAN SERVICES, LLC FOR RELIEF FROM THE
AUTOMATIC STAY ON FIRST MORTGAGE FOR REAL PROPERTY LOCATED AT
4706-08 ALMOND ST, PHILADELPHIA, PA 19137**

PennyMac Loan Services, LLC ("Creditor"), by and through the undersigned counsel, moves the Court pursuant to 11 U.S.C. § 362(d) for an Order granting relief from the automatic stay on the real property located at 4706-08 Almond St, Philadelphia, PA 19137 ("Property"). In support of its motion, Creditor states the following:

1. Joseph Gormisky ("Debtor") filed a petition for relief under Chapter 13 of the Bankruptcy Code on January 3, 2023 (the "Petition Date").
2. On December 5, 2014, Debtor executed a Note in the original amount of \$188,522.00 (the "Note"). A copy of the Note is attached hereto as Exhibit A.
3. To secure the Note, a Mortgage was given December 5, 2014, and recorded December 9, 2014. A copy of the Mortgage and subsequent Assignments of Mortgage are attached as Exhibit B, evidencing perfection of Creditor's security interest in the Property which is more particularly described in the Mortgage.

4. The terms of the Note were subsequently modified as set forth in the Loan Modification Agreement, attached as Exhibit C.
5. There are no other liens against the property as listed in Debtor's Schedule D.
6. As of May 4, 2023, the total outstanding amount due on the Note is \$174,067.80 which consists of:

Principal	\$143,791.83
Interest	\$9,425.23
Escrow Advance	\$11,360.04
Late Charges	\$148.05
Pro Rata MIP	\$171.00
Foreclosure Fees	\$3,395.52
Foreclosure Costs	\$4,405.41
Bankruptcy Costs	\$1,038.00
Valuations	\$700.00
Property Inspection Fees	\$35.00
Recording Fees	\$224.75
Suspense funds	\$(627.03)

7. Creditor seeks relief from the automatic stay pursuant to 11 USC § 362(d) to proceed under applicable non-bankruptcy law to enforce its remedies and to take any and all actions necessary to accelerate the balance due on the Note, to foreclose the Mortgage in accordance with state law, to apply the net proceeds to the obligation, and to otherwise exercise its contractual and state law rights as to the Property.
8. Creditor is entitled to relief from the automatic stay for the following reason(s):
 - a. Creditor is not adequately protected per 11 USC § 362(d)(1) based upon Debtor's post-petition default.
 - b. Debtor is in default post-petition. Debtor has failed to make full post-petition payments for the past 3 months as of May 4, 2023 and is in default in the amount of \$4,008.57. This amount is broken down as follows:

<u>Post Petition Payments Delinquent to Creditor</u>		
Date Range	Amount	Total
March 2023 to May 2023	\$1,336.19	\$4,008.57

Total: \$4,008.57

9. Creditor requests that the Court order that Rule 4001(a)(3) is not applicable.
10. Creditor further requests that further compliance with Fed.R.Bankr.P. 3002.1 be waived as to creditor in the instant bankruptcy case upon entry of an Order granting relief from the automatic stay.

WHEREFORE, Creditor prays for the entry of an Order Granting Relief from the Automatic Stay.

Respectfully submitted,

/s/ Adam B. Hall

Adam B. Hall, Esquire (323867)
Alyk L. Oflazian (312912)
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus, OH 43216-5028
Telephone: 614-220-5611
Fax: 614-627-8181
Attorneys for Creditor
The case attorney for this file is Adam B. Hall.
Contact email is abh@manleydeas.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: :
: **Case No.: 23-10004**
Joseph Gormisky : **Chapter 13**
: **Judge Magdeline D. Coleman**
Debtor(s) : * * * * *

:
PennyMac Loan Services, LLC : **Date and Time of Hearing**
Movant, : **Place of Hearing**
vs : **June 13, 2023 at 10:30 a.m.**
:
Joseph Gormisky :
Kenneth E. West :
Respondents. :

CERTIFICATE OF SERVICE

I certify that on the date of filing, a copy of the foregoing Motion of PennyMac Loan Services, LLC for Relief from the Automatic Stay on First Mortgage for Real Property located at 4706-08 Almond St, Philadelphia, PA 19137 was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

KENNETH E. WEST, Office of the Chapter 13 Standing Trustee,
ecfemails@ph13trustee.com

BRAD J. SADEK, Attorney for Joseph Gormisky, brad@sadeklaw.com

I certify that on the date of filing, a copy of the foregoing document was sent by U.S. Mail to the following:

Joseph Gormisky, 4708 Almond Street, Philadelphia, PA 19137

Joseph Gormisky, 4706-08 Almond St, Philadelphia, PA 19137

/s/ Adam B. Hall